

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CARL W. CUNNINGHAM

Petitioner,

v.

RON VAN BOENING,

Respondent.

Case No. C10-5066RJB

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

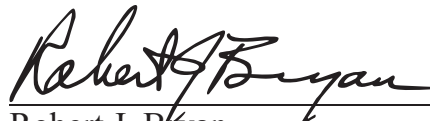
This matter comes before the court on the petitioner's Motion for a Certificate of Appealability. Dkt. 20. The court has reviewed the record herein.

On October 19, 2010, petitioner filed a Motion for a Certificate of Appealability. Dkt. 20. As discussed in the court's September 27, 2010 order adopting the Report and Recommendation, petitioner has not met the standard for obtaining a Certificate of Appealability. Dkt. 18, at 6. Accordingly, petitioner's Motion for a Certificate of Appealability should be denied.

Accordingly, it is hereby **ORDERED** that petitioner's Motion for a Certificate of Appealability (Dkt. 20) is **DENIED**.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to  
2 any party appearing *pro se* at said party's last known address.

3 DATED this 15<sup>th</sup> day of November, 2010.

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5 Robert J. Bryan  
6 United States District Judge  
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